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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 BRIAN EUGENE LEPLEY,

9 Plaintiff,

10 v.

11 STATE OF NEVADA et al.,

12 Defendants.
13

2:16-cv-02848-RFB-CWH

ORDER

14 **I. DISCUSSION**

15 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections
16 ("NDOC"), has filed a civil cover sheet and summonses. (ECF No. 1-1, 1-2). Plaintiff has not
17 filed a complaint or an application to proceed *in forma pauperis* in this matter.

18 Pursuant to Federal Rule of Civil Procedure 3, "[a] civil action is commenced by filing
19 a complaint with the court." Fed. R. Civ. P. 3. As such, the Court grants Plaintiff thirty (30)
20 days from the date of this order to submit a complaint to this Court.

21 Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
22 application to proceed *in forma pauperis* and attach both an inmate account statement for the
23 past six months and a properly executed financial certificate. Plaintiff will be granted an
24 opportunity to file an application to proceed *in forma pauperis*, or in the alternative, pay the full
25 filing fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis*
26 he must file a fully complete application to proceed *in forma pauperis*.

27 **II. CONCLUSION**

28 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL SEND
Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as

1 the document entitled information and instructions for filing an *in forma pauperis* application.

2 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
3 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the
4 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or
5 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
6 administrative fee).

7 IT IS FURTHER ORDERED that Plaintiff shall submit a complaint to this Court within
8 **thirty (30) days** from the date of this order.

9 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the
10 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same.

11 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
12 dismissal of this action may result.

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14 DATED: This 13th day of December, 2016.

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18 United States Magistrate Judge
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